

## **APPENDIX A**

### **Public Meeting Transcript**

**BOULDER-SOUTH  
PUBLIC MEETING**

**CN2019**

**Jefferson High School  
Boulder, MT  
6:30 p.m. – June 1, 2005**

**WELCOME**

(John Robinson) Hello everyone, thank you all for coming tonight. It is really important that you all showed up because, as you've seen in the newspaper and in the advertisement, we have not made a decision about this project yet and your opinions and comments and concerns are very important in the decision-making process for this project.

My name is John Robinson. I'm from the Public Involvement Section of the Montana Department of Transportation. The purpose of the meeting tonight is to get your comments and concerns on two options we have for reconstruction of Highway 69 South of Boulder. The entire project is approximately 15 miles long. It begins at milepost 22.2 south of the Elkhorn turn off and proceeds in this direction (referring to graphic). The project proceeds this way, follows this line, and here is the Elkhorn turn off (referring to graphic). On this section, the roadway would be widened and resurfaced. From the Elkhorn turn off, we have two options: we can either stay with the remaining alignment and take this route where it now stands all the way up to Boulder at the end point; or, because of the impacts to the wetlands, we need to examine the option of going up on the county road and taking a new alignment away from the wetlands.

I want to say that whenever there is a construction or reconstruction project, which has such significant impacts to the environment and/or social impacts on the project, we usually do an Environmental Assessment. Whenever there is a project with these types of impacts, the Federal Highway Administration requires us to look at different alternatives and options so they understand that no matter what the decision is we have also looked at other options other than filling wetlands. So that is the purpose of this meeting. This meeting is not to make a decision tonight on which route might be taken or which alignment, but the meeting tonight is to hear your concerns and your comments about the project and which option you prefer. We want to hear from you whether you think this is good or bad or whether you prefer this way.

With these impacts, we knew we were possibly going to have to have an Environmental Assessment, so we hired an outside consulting firm to conduct a fair and factual Environmental Assessment and that consultant is Darryl James. Darryl is the project engineer from HKM Inc. out of Helena. Darryl will explain and describe the Environmental Assessment and the process to you so that everyone has a full understanding of the study that will take place. The study will also examine the comments you give us tonight.

I would like to make some introductions from MDT: Jeff Ebert, the District Administrator for the Butte District; Joe Olsen is the District II Engineering Services Supervisor from the Butte District, he is the number two man under Jeff Ebert; Jim Davies, the District Project Engineer. No matter what option is decided upon, Jim and his crew from Road Design will be overseeing the road design of the project. Bob Tholt, the Project engineer from Consultant Design. From Jefferson County we have Mr. Chuck Nutbohm, Jefferson County Commissioner and Ken Weber is also here with us. He is also a County Commissioner.

Our meetings always follow the same format. First the Engineers will give a presentation and details of the project. We ask you to please hold your comments or questions until they complete their presentations. First Jeff Ebert, the District Administrator, will give a brief overview of the project. After Jeff is done, then Darryl James will give his presentation on the details and the process for the Environmental Assessment. Again please hold your questions, comments and concerns until after Darryl has completed his presentation. At that time we will open it up for your questions and comments. I will come to you and hold the microphone so that the sound works properly. We want to know if you favor an option and why you favor that option. If you are against an option, we want to know why. Again your comments will be used in the Environmental Assessment. No decisions have been made on this project.

Please see the comment form that I gave you earlier. We usually have a 30-day comment period on our projects, but because of the impacts and the importance to you of this project, we've decided to extend it to almost 45 days. The comment can be given in written form and sent to Jeff Ebert. His mailing address is on that sheet in bold type. Or you can email the consultant, Darryl James. His email address is also on this form. With that I will turn it over to Mr. Jeff Ebert. Thank you.

**PRESENTATION: (Jeff Ebert, MDT)**

Good evening. Thank you all for coming tonight to this very important meeting concerning the reconstruction of the Montana 69 Highway south of Boulder. I want to give you a brief background of where we are, where we've gone, and where we are headed with the project that we are contemplating doing here.

The Boulder South project was first nominated by the Department in the summer of 1991. At that time we felt we were going to get a fairly large increase in funding under the Transportation Act at the time. We felt that funding would be available in the 1998 construction season. As we all well know, that 1998 date came and went. The reason is that we didn't get as much funding from the federal government to do the project so it got put off for a period of time.

The reconstruction project that we started out with started down at milepost 22 and went to the southern boundary limits of Boulder. In 1992, a thin-lift overlay was placed on the section from south of Boulder down to the Elkhorn turn off, and again in 1997 another thin-lift overlay was

placed on the section from the Elkhorn turnoff down to the other end of the project – the southern end. We did that because the reconstruction funds were not available and we needed something to hold the roadway together. Then in the spring of 2004, this project was basically reactivated in our system. Again, based on funding we feel we are going to receive. We are kind of in the same position we were in back in 1991 relaying on estimates of federal funding we would receive to do this project.

Currently right now we are looking at starting over from scratch. We did some preliminary work back in 1991 and 1992 when the project was first placed on the system, but since that time standards have changed, so we are basically going to start from scratch again. Survey work was started last fall in 2004. You've probably seen some of our guys out there doing some survey work on the project. We had a public information press release that was published in October and November of 2004 basically re-announcing that the project was going to be started. During that time period we determined that, because of the alternatives that were being proposed, we would probably need to do an Environmental Assessment, and as John mentioned we went ahead and hired HKM to do that Environmental Assessment. We just got them under contract within the last month or so and the first order of business to get going on was to hold this public information meeting.

Right now the way the funding looks, and we are still kind of up in the air because the Transportation Bill currently expired in 2003 and we have been going on extensions for about a month and a half. But we still feel with the amount of the projects we currently have in the program and with the cost of this project that we would have funding for this to go to contract in November of 2008, which would mean that construction would not occur until 2009. So we are a few years out yet but again we are just getting started on this project.

The budget right now to do the construction engineering is in the \$16-17 million range. Because of the two different scopes we are talking about with the widening and resurfacing on the southern portion and then the full reconstruction on the northern portion, the project will probably be split into two projects for construction but that is still yet to be determined.

With that, I guess I will turn it over to Darryl James and have him talk to you a little bit about the Environmental Assessment and then some of the specifics of the project. Thank you all again for coming tonight.

**PRESENTATION: (Darryl James, HKM)**

Thanks to everybody for coming tonight. I'm going to walk through a couple of things real briefly here just to kind of explain the process and what we are here for tonight. The first thing is, just to stress again and both John and Jeff mentioned it, no decisions have been made to date on this project regardless of what you've heard in the past. I'm very impressed by the turnout, but there is a reason you are here. There is always the history of the big, bad Department of

Transportation over the last 40-50 years coming through and building a highway and it doesn't matter what you guys think. But the National Environmental Policy Act and the Montana Environmental Policy Act set up a process to make sure that your concerns are heard and that we really take a comprehensive look at all the social, environmental, and economic impacts on any federal aid project.

There is a little diagram on the back of your information sheet you picked up when you came in. What we are doing right now is called "scoping". It is a matter of coming out, hearing what your concerns are in the community, and then identifying all of the social, economic, and environmental conditions within the project area. I'll walk through some of those issue areas might be in a minute.

Again, our role as HKM, MDT is going to be doing the design work on this project, we are just here to assist and to make sure they consider all the issues, the concerns that you have, and the things the resource agencies are going to be paying attention to as we go into permitting and construction of this project.

Issue areas that are of concern to the MEPA and NEPA guidelines – things like land use, public right-of-way, adjacent farmlands, public lands, those kinds of things that are actually protected by different federal permitting processes or regulations. Farmlands, social conditions, if they've got a project that might impact community cohesion or bisect farmlands or things like that we will be taking a look at those. Economic impacts of the highway project, pedestrian/bicycle facilities, air quality, noise, and water quality are all environmental concerns. There are quite a few high quality wetlands in this corridor that we have to consider and try to minimize impacts to those. Water bodies and wildlife habitat, floodplains, threatened and endangered species, historic and archeological and paleontological resources, hazardous waste and visual resources. These are all specifically outlined in the MEPA and NEPA guidelines as things we have to pay attention to and account for any impact to any of those resource areas.

The purpose of the project. It is pretty simple – to provide safety upgrades to this corridor. MDT has identified some accident clusters throughout this corridor that they need to try and address for re-design and basically provide a facility with updated design features. Whenever the Department of Transportation goes to construct or reconstruct a roadway, they solicit funds from the Highway Federal Administration. They have a certain level of design we need to meet in order to spend those funds. So they could not come back out here and basically reconstruct this roadway without making some basic geometric improvements. The radius of the curves is too sharp, again based on current standards.

Design objectives. I just kind of put these together to give you a general idea of things that we might be working on and that I would like your input on later tonight and to find out if there other things we ought to consider during this process. We want to minimize impacts to the Boulder River. We've got an area here that is very narrowly confined and we need to try and

minimize those impacts to the river, minimize impacts to the wetlands, minimize impacts to adjacent farmlands. We need to always try to provide cost-effective improvements. Jeff noted the difficulty in the federal funding package right now, it's been delayed a number of months and that means projects get backed up and construction costs are going up; the cost of steel and concrete have been going through the roof. It just means that MDT cuts back on the number of projects they can complete within a fiscal cycle or in a construction season. We also need to avoid or minimize impacts to cultural and historic resources. We understand that this valley has a quite a history that dates back to pre-white settlers. So we understand there are quite a few resources in the corridor that we need to be aware of.

Evaluation criteria that we might use. Does it meet current MDT standards? Does it meet current AASHTO guidelines? Again, that is what Federal Highways is going to be paying attention to in saying can we commit funds to this project. There is a certain level of design you need to be achieving for a reconstruction project. Are the improvements cost effective? Does it minimize impacts to the natural environment?

Jeff and John also mentioned that we've got two alternatives. Under NEPA we actually start out with three different alternatives: One is a no-build. We can always go through this assessment and determine that doing nothing is the best option. I doubt anybody here is going to jump up and say "let's go home and we'll call it good." Everybody recognizes that some improvements are probably warranted. Whether that means just overlaying what we have or trying to correct some of the areas where we know there are accident clusters and icing and sheeting issues – those are things we need to try and address. So basically that what I want to talk about real quick tonight – what these three options really mean. Then we have two other people here with HKM, Jennifer Peterson and Sarah Nickolie. They are going to walk through just an exercise in trying to solicit some more specific comments from you tonight. I'm going to try and make this real brief – we are really here tonight to hear from you.

Again this is the scoping part of our process (referring to graphic on back of handout). We start with the scoping process. We will go through the development of alternatives with the Department of Transportation in response to the comments we get from you, the research we do out in the field identifying wetlands, identifying where the stream encroachments might be, where do we have prime farmlands, where do we have ranch accesses or county roads that we need to maintain access to, and those kinds of things. Once we've got a real good clear picture of what the constraints are and what opportunities we have for improvements, we will work with MDT to further refine either these alternatives or other alternatives that you may help us with. Then we move into the Alternative Analysis phase where we go into detailed assessment of all those impacts – to quantify wetlands impacts and report those to the Corp of Engineers and start working on permit applications and those kinds of things. Then we will develop the Environmental Assessment. That is an official public document that again discloses all the environmental constraints, the proposed impacts, and the cost of the project. All those things are documented and will be available for your review and comment. It also goes to all of the

affected agencies. It is out there for a 30-45 day period. We will take all your comments. During that review period, we will also have another meeting – a formal public hearing to accept comments and any responses from MDT, and Federal Highway will issue either a Revised Environmental Assessment or a Finding of No Significant Impact and that will be the decision document for this project. Or if it looks like the impacts are too severe or there is just an outstanding amount of controversy over something that wasn't disclosed or we missed, then it kicks you into a full Environmental Impact Statement. We are going to try and avoid that. So that in general is the process. Are there any immediate questions on any of that material?

Q: The timeline for the Environmental Assessment.

A: Federal Highways right now is trying to stick to about an 18-month schedule for an EA. I think that is pretty reasonable for this project.

I want to re-iterate where the project is right now and how we've come to develop the alternatives that are shown and explain some of the environmental constraints that we are aware of and want to ask you if you are aware of other constraints we need to be identifying. If you know of cultural or historic resources in this corridor particularly areas that are heavy wildlife crossings, or anything that you may think are pertinent to helping with the design of these different alternatives.

As John mentioned, basically from the southern end to the Elkhorn turnoff is a minor widening overlay. The reset of the project corridor is a complete reconstruction. Once you get basically north of the Elkhorn turnoff, you can see how close we get to the Boulder River Referring to graphic). That is really the most difficult part of this project – trying to fit this winding roadway into a very narrowly constrained corridor. You've got the river on one side, you have some homes on the other, and you've got some rock outcrops. It just gets very narrow. That is basically what prompted the Department of Transportation to look at an alternative across the river to get out away from some of these rock cuts, away from the sheeting areas, and away from impacting the river and some very high quality wetlands which are sometimes very, very difficult to mitigate. Again, that is what prompted the orange lineup here on the other side basically in the county road corridor. Again basically from there into town is a reconstruct on the existing lineup.

I ask you to hold your questions until I go through this real quick and then for the question and answer, if you will raise your hand John will come around with a microphone and we will try and get to everybody. John is recording the meeting this evening so we want to make sure that we have a microphone in front of everybody so we can accurately record any comments we get from you.

I know everybody is a little excited about this orange line – just to tell you again; it is literally what you see. It is a tape line on the aerial just to say that this is an idea – there has been no

design work done on either one of these things. It is truly prompted to try and go through these minimizations right here. We need to try and avoid and minimize impacts to wetlands and these streams basically because it is a bear to try and get those things permitted any more. It can be done, but the Corp of Engineers – let me back up and explain this. The National Environmental Policy Act, this NEPA process, is basically a public disclosure process. It is designed to make sure that we walk through all of the other regulatory requirements in a public process so you understand how the decisions are made. One of the most critical applications in this corridor is going to be permitting for wetland impacts. The Corp of Engineers has very specific requirements – you have to avoid first, minimize second, and then mitigate third. They are requiring mitigation within the same watershed for a lot of these MDT projects. So that is going to be a big challenge if we've got substantial impacts to wetlands, finding an area to buy the right-of-way, create new wetlands, and then maintain those over a number of years. Again, just to let you know what some of the challenges are with the existing alignment.

### QUESTIONS/COMMENTS

(John Robinson) I'd like to ask everyone to state your name for the record so that we know who was speaking. That way when Darryl reviews the questions and comments, he can know which landowner said what.

Q: (Paul Richards) I'd like to point out I-15 over here (referring to graphic). The interstate is designed for high-speed truck traffic. We've spent many years on this; many of us in the valley are trying to have the high-speed truck traffic on the interstate where it belongs. The accident clusters you are talking about are because the drivers are driving a rural secondary road that is not designed for high-speed truck traffic. I would ask you, as our employees, to get the trucks on the interstate where they belong. Once you get the trucks off of this site, then we can talk bike paths, pedestrian walkways all along this site; we can talk protection of the rural characteristics of this particular stretch here. Number one, it is very frustrating to see the truck traffic over here that should be on the interstate coming through here. Number two, the weigh station isn't being manned so we are not getting anybody weighed so that is not slowing them down. We don't have any police enforcement there and it is time we put the whole package together and get thorough speeding enforcement, weigh station manned 24-hours a day, the speeding enforcement manned 24-hours a day. Those two things alone are going to push the traffic onto the interstate where we need it. That's going to drop your projections phenomenally. Thank you.

A: (Darryl James) Thank you.

Q: (Charlie Sperry) I live out on Hwy 69. I have a clarifying question. On the alternative that would maintain the existing highway route, what would need to be done to widen or



reconstruct the highway along the river corridor? What action would take place that would potentially impact the river corridor?

A: (Darryl James) There has been no design work done. I'm sure the Department, and we can ask Jim or somebody in the back, if they have identified specific curves. The radius on these curves would need to be reviewed to see if they meet current standards. I'm assuming they do not. So to bring these into a current design standard would likely encroach on the river, plus the widening. I think we are looking at about a 35-foot roadway top, so with different crossroads and wider shoulders on the roadway, the wider section, flatter curves, you are undoubtedly going to be into the river and the wetlands in that existing corridor.

Q: (Charlie Sperry) You are talking about the stream, is that on the river channel? My question is are you talking about straightening the river channel to accommodate the highway straightening? What exactly would happen?

A: (Darryl James) It could be a re-alignment of the river channel. Some moving it away, probably straightening portions. Again it is frowned on by the resource agencies if we have a different alternative. It would involve some stream alteration.

Q: (Karalee Bancroft) I have three things to say: one's a comment and two are questions. The first comment is that I agree with Paul that a lot of the problems we are having are a result of traffic avoiding other alternate routes rather than using this because this is the most logical one. A lot of the traffic we are getting should really be on Hwy 287 going from Helena down to I-90. They avoid that because they get ticketed there. Ok? They come down to Boulder and cut down Hwy 69. So yes, traffic should be pushed back onto I-15 where it belongs and a lot of it should be on Hwy 287. If we were to widen portions of the existing road so the police could enforce the speed limits, we would eliminate a lot of problems right there. That is my comment overall.

The first question I have is what happens to the old Hwy 69 if we were to go along with this orange line that you have on the charts?

A: (Darryl James) That's a good question, thanks for asking that. Generally what you have now is the county road on the north side is a gravel two-lane roadway. The county has already entered into discussions with the Department of Transportation, just general casual conversations about what might happen here. If the Department of Transportation were to come over and construct this orange alignment, MDT has agreed to basically do an overlay, a chip seal overlay, on the existing alignment and would turn that over to the county. The county would then own and maintain this existing alignment basically from the Elkhorn turnoff up to this point (referring to graphic). So basically it would just be a flip-flop in ownership of those two alignments.

- Q: (Karalee Bancroft) My second question is this whole project appears to be contingent on federal funds, is that correct?
- A: (Darryl James) Almost any MDT project is heavily contingent on federal funds.
- Q: (Karalee Bancroft) Ok, why does that have to be? Why do we have to follow federal regulations for this secondary road if it is not designed for that, nor do any of us want that? We don't want the traffic; we want it to be local for farmers and moving our product and stuff. Why do we need to go to federal mandates and have the road brought up to federal standards? Why can't we just do this with our own funds? Do what is needed as opposed to making these huge changes to appease federal departments.
- A: (Jeff Ebert) Let me go ahead and ... I guess your question is why we have to do this to this secondary road? Let me correct that by saying this is actually a State Primary Highway. The Montana Transportation Commission actually ... this has been a State Primary Highway for a number of years ... even back in 1991 when it was first nominated. In order to get federal aid participation we have to meet their standards. We do not have state funds to do any improvements to this road.
- Q: (Karalee Bancroft) Why is that a problem? Why do we have to do anything? Why do we need those federal funds? Why do we have to have outsiders come in and construct all of this stuff on our property to allow other outsiders to speed down our valley?
- A: (Jeff Ebert) We have identified locations out here that have safety concerns and we need to address those safety concerns. As a part of the federal aid funding package we can go in and do spot fixes out here if that is what we are hearing tonight from the majority of folks. That may be an alternative we choose.
- Q: (Barbara Rashleigh) I commute daily on Hwy 69 to Whitehall, and I'll tell you where the accidents are. I follow trucks that play stupid games with the cars. They slow down and when you go to pass them, they speed up when there's two trucks together. So I agree with everybody, keep the trucks on the Interstate and that will stop a lot of the crashes on Hwy 69.
- Q: (Allen LeMeiux) My question deals with the alternative road as compared to the one you are planning to turn over to the county if you go that way. How does that impact the county financing? Does the county have to pay for all maintenance from then on? And why would we want to do that if that is the case? Why wouldn't we leave it the way it is where the state is paying for the maintenance?

A: (Darryl James) The county is paying for maintenance on this route here. So they would be picking up the maintenance of the shorter route and it is a paved route. The county apparently has expressed interest in doing that.

Q: (Allen LeMieux) Is that about the same cost then or would it be different?

A: (Darryl James) I don't know that I could answer that very effectively. I would assume that long term it would be less costly to maintain the paved route than this longer gravel route.

Q: (Allen LeMieux) Well I'd like to see the county start paving more roads then. Let me add one other thing. On this curve coming into Boulder, you are following the same old route, as I understand it. That is a very poor curve. Has anybody addressed that question?

A: (Darryl James) We will address that question as we get into design, the detailed design will look at that curve and see what design speed it is and whether it needs to be redesigned or anything like that. That will be addressed as we move into the design phase.

Q: (Allen LeMieux) My last question for now, how much new land would be taken on the old road as compared with new wetlands on the new road?

A: (Darryl James) Again it is so early in the design process, there is no way to even venture a guess on that but it will be quantified as we move forward with these alternatives. You will be able to look at that and be able to weigh that decision for yourselves.

Let me stop for just a second and explain the cards that Jennifer and Sarah passed out a few minutes ago. I just want to get some feedback from you on some specific questions just to try and get a little bit of dialogue going. If any of you have already filled this out, please hold them up and I'll have Jennifer and Sarah pick those up. We will try and summarize some of the recurring themes on these comment cards. At your leisure please fill these out tonight and hopefully you will give them back to either Jennifer or Sarah and again we will try and summarize some of the comments.

Q: (Mark Steketee) I just want to ask a couple of questions. I think Mr. Ebert you said that Hwy 69 is now a major highway?

A: (Jeff Ebert) It is a state primary road.

Q: (Mark Steketee) Is that the same as a minor arterial?

A: (Jeff Ebert) No.

Q: (Mark Steketee) In your preliminary field report, has the highway changed since your report was developed?

A: (Jeff Ebert) Yes, a minor arterial ... it is the functional classification of the roadway. The state designation be it primary, secondary, interstate, is a federal designation and/or a state designation, but AASHTO (American Association of State Highway Transportation Officials) puts out a pecking order as far as the classification of roadways with interstate highways being the highest classification, a national highway being the second classification of which the interstate is a portion of that. Then there is what's called a principle arterial, and those are the national highways also. There is also then a minor arterial of which this is that classification which coincides with a primary and a minor arterial ... they are kind of one and the same. A national highway and a principal arterial are kind of one and the same. Then a major collector is a secondary highway and that has a lower classification.

Q: (Mark Steketee) Is that volume related? In other words, does a minor arterial design for 208 trucks per day?

A: (Jeff Ebert) Volume is one aspect of that, but they look at the connectivity between major cities, farm-to-market routes, and those types of routes. But volume is a small consideration on how roadways are classified under that classification system.

Q: (Mark Steketee) The second question I have is relative to the accident clusters. In your preliminary field report you indicated there were no feasible counter-measures to address specific crash trends. Are you saying that you have now identified?

A: (Jeff Ebert) The analysis that was performed on those particular accident clusters kept in mind what are some of the small things we can do to correct the crashes that are occurring at those locations. By small things I mean, could you come in there and simply flatten the slopes of the roadway adjacent to a narrow section of a steep section of the roadway, or could you put up curve signs that would better delineate that curve that is upcoming. Under our Safety Engineering Improvement Program we look at those crash locations statewide and under that program, it is fairly cost constraining because we have to do a benefit cost – look at the number of accidents that would be reduced by doing that fix. Then taking that fix and as long as the fix has a benefit greater than one, then we can do a safety project. But what is being talked about in that report is that there were no cost beneficial types of fixes short of doing a full reconstruction through that corridor to mitigate those crash locations.

Q: (Mark Steketee) Is speed part of the accident severity? In other words do we feel that part of the reason the accidents severity for trucks is 70% greater is because of the speed of the trucks?

A: (Jeff Ebert) I don't think speed is figured in the severity. What they look at with severity is the results of the crash. Obviously speed is a factor within that; the faster you are going the more damage that is going to occur. But overall, this is a speed issue and the gentleman up here touched on it, the State Legislature sets the speed limit through here. It is mandated 70 mph for trucks and cars ... when I say trucks I mean pickup trucks. The truck speed limit for commercial traffic is 60 mph.

Q: (Terry Minow) I support improving the safety of Hwy 69 but I'm opposed to the re-routing of Hwy 69 and I'm opposed to rebuilding the highway in a way that will increase the speed and the traffic on Hwy 69. My opposition is based on three major concerns: first of all I'm concerned that neither one of these proposals will improve safety. The problem of safety on the highway is due to excessive speed and to the number of trucks using the road. You've heard that from a number of people already. If you just make the road wider and take out the curves, you are actually going to increase the speed. The traffic is already too fast. The proposed changes will make the speed that much more of a problem.

Secondly, I'm concerned about the impact on our rural lifestyle. Moving the highway will make it more difficult for ranchers to move cows and equipment. They do that every day on that road. People in the area use the back road (as we call it) to bike, to walk, to ride horses, to teach our kids to drive. I take it in the winter when it is too much to face a semi on a blinding blizzard.

Third, I think it is really important to maintain the beauty of the existing highway and I don't think you have considered that in your proposals. Highway 69 is a gorgeous road especially through the canyon. The trees and the foliage in the fall are spectacular. I don't want to see the trees and the foliage and the vegetation stripped out of the area in order to make a huge expanse of pavement.

I suggest the State consider the following ideas immediately in the interest of improving safety and minimizing accidents, and I don't think we have to wait until 2008 or 2009. We need to beef up enforcement of the speed limit on Hwy 69. Ticket those trucks that are running people off the road and passing on curves and over hills. Do whatever it takes to slow down traffic. I think that is in the power of the State right now. Ban semi trucks from using Hwy 69. An exception, of course, should be made for local trucks, but I don't see why we can't ban them. Lower the speed limit for trucks. There is no way that a truck can go 60 mph through the canyon and be safe around those curves.

I think the goal of improving Hwy 69 is an admirable one and I appreciate that, however, I believe these proposals are going to have unintended consequences of actually making the safety worse. I ask you to refocus your proposal on the goal of improving the safety of Hwy 69 while maintaining the rural economy, lifestyle, and beauty of the Boulder Valley.

Q: (All Martini) I just wanted to point out here and have you clarify something about the road maintenance. You said the county would take over the maintenance of the existing road now? But the county is also going to have to still maintain the old gravel road with your new alignment, correct? Now let me clarify that – if there is only a little stretch there that the county wouldn't have to maintain that goes right where you're pointing to (referring to graphic).

A: (Darryl James) That is a good point. If the Department of Transportation comes through with something generally along this orange alignment, all of this would be obliterated. It would be taken out. The ownership would basically revert to an adjacent landowner or there would be some right-of-way negotiation. The other roadway, be they county roads or private access, would be extended to meet up with this new alignment. Something like this you may have to come in with an extended roadway here (referring to graphic). But this would all be taken out. This would be the primary route through that area and any other access that currently meets up with that county road would be extended to the new alignment.

Q: (Al Martini) So the county is going to have to come down the new alignment and maintain 200 feet of road to come into my driveway, go down the new alignment and maintain 100 feet of road to go to somebody else's driveway then?

A: (Darryl James) No it would be a private driveway.

Q: (Al Martini) So I would have to maintain another 100 feet of driveway then?

A: (Darryl James) That's right.

Q: (Scott Mendenhall) I represent HD 77, which includes this area. I have some questions for Mr. Ebert. On the proposed alternative, let's assume the Department decides to choose that. Has the Department contacted any of the landowners along that area in terms of ... has the Department secured any of that property over there at all?

A: (Jeff Ebert) No we have not. We have not secured any of the right-of-way. Again just as Darryl mentioned, this is just a piece of orange tape on our aerial photograph. We have not done any of that.

- Q: (Scott Mendenhall) If you make that decision, then what is the process for acquiring the property?
- A: (Jeff Ebert) Before we could acquire any right-of-way, we would have to complete the Environmental Assessment. In the EA the decision would be made whether ... and I'm not supporting this and I'm not saying that we would go along that line; we would then start right-of-way negotiations with the affected landowners. We would come out, bring them a set of plans, and show them on paper, then also we would go out and stake out what right-of-way we would need to build the project and what right-of-way would then revert back and those type of things. But it wouldn't be until after this Environmental Assessment is done. So that's probably two to three years out.
- Q: (Scott Mendenhall) So if a landowner doesn't agree to sell to you then what happens?
- A: (Jeff Ebert) I guess we would negotiate and if we could not come to an agreement, we would utilize Eminent Domain and use that route. But again, that is a last resort.
- Q: (Scott Mendenhall) My understanding of the law of Eminent Domain, there has to be a clearly established public need, is that right?
- A: (Jeff Ebert) Exactly, and that is what the Environmental Assessment does. Before we even get to that point the Environmental Analysis will look at those impacts in a pretty macro sense and decide whether or not that is an alternative even worth pursuing.
- Q: (Scott Mendenhall) Do you think the State would have any difficulty establishing a clear public need when there is an existing right-of-way and roadway in place such that would justify using the law of Eminent Domain?
- A: (Jeff Ebert) The only way I could see that occur is if the environmental impacts that were talked about on the current alignment were significant in comparison to that. Then we would pick that alternative. And that would then drive the Purpose and Need for us exercising Eminent Domain. But again, we are way ahead of that decision.
- Q: (Scott Mendenhall) Just in comment then, I think one of the criteria the Department should consider is whether or not they would be violating state law and potentially bringing the liability on the State because of a misuse of the law of Eminent Domain. Because clearly I believe you will have a hard time proving the need when there is an existing roadway and a right-of-way here as opposed to takings of private property. So I would re-echo some of the sentiment here, and urge the Department to please steer away from that alternative that is described there in orange and stick with looking at improving the existing roadway.

I would also ask a question of Mr. Ebert, is there any place in the State ... we've looked at this truck traffic and speed limit issue before ... is there any place in the State where the Department has enacted differential speed limits through a law or something like that? It seems like we looked at a special situation speed limit for some area up in the Flathead area or the Libby area this last session. Is that a possibility on this route?

A: (Jeff Ebert) You're a Legislator so that would be something that could be done through the legislative process. The only other process we have and the Transportation Commission has, is looking at speed zones through certain areas. I don't know of any locations statewide where the Transportation Commission has come in and looked at a speed zone on a 30-mile corridor. We usually look at smaller areas like approaching coming into towns. The speed limit that is set as you come into Boulder, the Transportation Commission sets speed zones and steps that down from 70 mph and gets you down to a more urban type roadway. But I don't know of any locations statewide where the Transportation Commission has come in and set a speed zone for an entire corridor. That is usually done by the Legislature.

Q: (Randy Kirk) I live 15 miles south of Boulder near the southern edge of the project. I manage a ranch for a non-resident. I would prefer keeping the highway on the existing route. Moving it across the river would disrupt and damage an otherwise peaceful rural area. The Lower Valley road, as it is, provides a safe place to move cattle and machinery safely and efficiently and it should be left alone. My main concern however, is that if we improve the highway at all, it is going to increase the volume of traffic especially the truck traffic. I've been harassed by trucks like some other people have mentioned on a regular basis. I would like us to consider making every effort to discourage or eliminate interstate truck traffic, which would reduce the need for such substantial and expensive improvements.

Q: (Sam Samson) I live on Browns Gulch Road. I represent myself and my wife Joanne. We feel very strongly about the issue at hand and feel also that the decisions made now will affect not only us but future generations as well. I've agreed with all the speakers so far. We have great interest and knowledge in this piece of highway and I've driven it since it was a dirt road in the 40's. We also attended hearings over 30 years ago in this very school when the roadway was the alternative route to the interstate. It was decided at that time that the major north south route should be and is located where the freeway exists today not down Hwy 69. For that reason and the following we respectfully ask you to focus your planning on the upgrade of the present day right-of-way, if any upgrade is necessary at all. As a Jefferson County Commissioner I work to encourage the building of a permanent manned GVW station in the lower valley. As a Commission, we also ask for a speed limit from the Elkhorn Bridge to Boulder and for better enforcement. Neither one nor two have been done.



Now as a citizen I'm again asking you to give number one and two serious consideration and we believe this would be a simple way to lessen risk and improve safety. Over ten years of discussions, hearings, and at great cost we recently completed the Red Bridge keeping its historic look and even protecting old Cottonwoods near its location. To build a new bridge in the same area would make absolutely no sense cost wise, aesthetically, or ecologically. Wildlife would be cut off from the river from both sides forcing constant road crossing pressure in the evening and early morning hours. This doesn't constitute a safety upgrade for wildlife or humans. Placing the highway on the north side would also add ten more approaches, many very poor site distances, and a high number of uses per day. This is a bus route and is also used by ranchers to herd cattle from one field to another and move them across Forest Service lands. The piece of county road is also used on a daily basis by bikers, runners, walkers, horseback riders, and I've personally put over 20,000 miles of running on this little stretch of road myself over the last 29 years. Each of these activities represents an enormous safety risk and greatly interrupts traffic flow. Virtually all the residents of the proposed route do not want this highway moved. Moving this road would pose a great hardship to the ranchers in this area and we are an agriculturally based community. Moving the highway would be going against the intent of the use of our valley. Changing this location violates number two and three guiding principles and goals the Jefferson County Growth Policy adopted in 2003 which state on page six number eleven: "protect and maintain Jefferson County's rural character." And number three: "preserve and enhance the rural friendly and independent lifestyle currently enjoyed by Jefferson County citizens."

In conclusion, we do agree the highway may need to be upgraded, however, it seems inconceivable that the cost of surveys, design works, miles of right-of-way, the cost of an EIS and EA, constructing two completely new bridges, overpasses, earthwork to bring grade through rolling hills, and signing and building numerous approaches could possibly even be near the cost of upgrading the existing roadbed. Also, if I were still a County Commissioner, there is no way that I would take that road over as an added cost to taxpayers. So thank you again for the chance to speak.

Com: (Darryl James) I want to interrupt just for a minute. Jeff said something like nobody has been out here staking right-of-way or anything. What you may see in the next two weeks or the next month and a half are people out laying targets for survey. Don't be alarmed at that, they are surveying this entire area for these two alternatives. We are not staking right-of-way, there are no alignments being mapped, it is purely survey for this project.

Q: (Nancy Owens) I live in Basin but we use Hwy 69 quite a bit. I agree with everything that people have said so far and I was glad to hear Tom talk about the rural character of the area. I've had a lot of experience doing EIS work myself and also evaluating it. I have a methodological suggestion for HKM, which is to take a really creative approach to the economic analysis because the kind of thing I foresee is that you've got this

alternative alignment that is going to disrupt farmers and ranchers. You've got wetlands on the existing alignment and because we know more about mitigating wetlands and the concrete could come up more expensive than the disruption to farmers and ranchers. In reality we are a rural community and if the farmers and ranchers get discouraged and sell out, then we are going to have subdivisions like crazy and we will lose the character and we will have a community that you are actually building the road you are talking about for. So there is a lot of economic sense in not building that kind of a road or you will get what you are building it for. That is what I have to say. Thank you.

Q: (Bud Smith) Local owner of a mechanic repair shop here in Boulder. I've lived in Boulder and the town of Elkhorn all my life. I'm here to represent Elkhorn Working Group that has submitted a letter in opposition to the rerouting of Hwy 69 to the east side of the Boulder River. The reasons are set forth in the letter sent May 18<sup>th</sup> to Mr. Ebert. Members of the Elkhorn Working Group are from communities surrounding the Elkhorn's. The group has 14 voting members that include ranchers, hunters, conservationists, recreation users, and community leaders such as County Commissioners and three non-voting members from the Fish Wildlife and Parks, Forest Service and BLM. It should be noted that these recommendations to agencies such as our May 18<sup>th</sup> letter are made through collaborative discussion and by consensus vote. Our recommendation has such a consensus vote reached after reviewing DOT's primary field report and discussing the issue at two of our meetings. I am submitting a copy of this letter as part of the record. Thank you for your consideration.

Also on a personal note, my home is in the town of Elkhorn and I travel this lower valley road summer and winter, day and night, and the amount of animals crossing this road is immense. To take this road from the speed limit which is 40 mph to a 70 mph road would be detrimental to both man and beast. Thank you for letting me comment on the issues.

Q: (Tresa Smith) I'm a rancher in the Boulder valley and a conservationist. I would like to state that I believe the plans for widening or a route change of the highway is an intrusion to a Montana way of life. I'm opposed to changing the route of Hwy 69. The Boulder Valley is a very narrow valley between two mountain ranges. A change in route would significantly impact the agriculture and wildlife environment. Not only would the lives of the family farmers who work in this area be economically altered, as Bud pointed out and others too, it would endanger the wildlife that use this river valley as a corridor and also the fish and water problems that could occur. It would ultimately affect not only just the people who live here but the people who play here – the many hunters and anglers who would lose a very valuable resource to them also. Many people here tonight have made comments and I really applaud the comments about the speed limit and the interstate being the route the fast trucks should use and not the route that the wildlife and the agricultural area use.

- Q: (Cathy Birtcher) My husband couldn't make it tonight but we are both opposed to the idea of moving state route 69 from its presently traveled way. There are some other options that I have heard considered that are less costly and they keep everybody living here happy. One very easy option would be to just lower the speed limit and enforce it. This option would: one reduce the truck traffic and entice the trucks to use I-15 that is designed for those; two reduce accidents along the road; three there would be no additional impacts to wetlands; four no additional safety issues; five reduce the cost of construction; six maintain the financial impact of the existing road such as the Boulder Hot Springs because putting in a new route is just going to devastate them. I realize right now the Sheriff's office has a very difficult time because it is very narrow. There are some things that haven't been considered – the new technology, the cameras that are out. It might be much less expensive to put those cameras up than to worry about widening the road and trying to enforce it the way that it is.
- Q: (John Heide) From the Heide Ranch. I have a question for Mr. Ebert. I'm opposed to the alternative route and if you haven't decided on anything, why have you sent letters to us asking for permission to survey?
- A: (Jeff Ebert) As Darryl indicated we are setting targets out there to do some survey work. Based on the public input we are receiving tonight, we are going to sit down and look at the decision to do that survey work over there. Short of seeing ... we are not going to do that, I would presupposing the environmental process and we could endanger the use of federal funds if I do that. So we are listening to what you are saying. If there is overwhelming support not to go over there, we may not do that.
- Q: (John Heide) The main question I have is about the letter that was sent to us pertaining to Hwy 69, there was no mention of the alternative route. That is my main concern.
- A: (Jeff Ebert) Are you on this route? (referring to graphic). Right on this end? Let me say that we are going to reconsider that.
- A: (Darryl James) Before Jeff commits us to that let me just explain one thing. I tried to allude to his earlier. Part of this process is just to walk us through all the other regulatory requirements. On this existing alignment, we are going to have substantial wetlands impacts. The Corp of Engineers requirements are that we fully assess any alternative that would avoid or minimize impacts. We may just have to set this up as a comparison for them to show that we looked at something but they are going to hang everybody at the Department of Transportation and this Boulder Valley if we went with that. So we at least have to explore that option and it may be in the end that there is no way we would have support to do that but we have to take that alternative to the Corp of Engineers and say that we have 20 acres of wetlands impacts with this alignment and we've got four on

this one, but if you build this people are going to come out of their shoes. So we are going to have to suck this up and find a way to mitigate those. Based on the Corp of Engineers requirements, it is not MDT, it not a NEPA requirement, it is a Corp of Engineers 404 Wetland and Dredge and Build Permit requirement that we have to look at other alternatives if they are available. So I can't let Jeff completely off the hook on this just yet.

Q: (Paul Smith) I'm a rancher down in the Boulder Valley. In fact one of the ancient ones you were talking about, I think it was one of my forefathers that had the bright idea of letting the road down there in the first place. They never should have done that but that was in 1964. My question is on the wetlands. I know you are talking about that, but what is the impact just along river where you are talking about reconstructing on the present route? Is it all the way along that route or is it just up by the river where it is impacting the wetlands?

A: (Darryl James) Most of your real high quality wetlands are in this immediate river corridor. You do have wetland complexes throughout the alignment.

Q: (Paul Smith) There is already a road through that in fact and isn't there more of an impact by going through virgin territory getting over to the east side and coming back over to Hwy 69? You are not just widening a road that is going through an existing route; you are creating a whole new route through wetlands to get over the Lower Valley Road.

A: (Darryl James) You are right.

Q: (Paul Smith) Impacting the river being a consideration or putting in two new bridges – twice the impact as staying on the west side of the river.

A: (Darryl James) You are absolutely correct and that is what we have to analyze in detail to find out how those balance out and weigh those impacts to find which is preferable.

Q: (Paul Smith) I would also emphasize that for 18 years I drove from the upper lower valley road down to the ranch. I would just go along with what Bud Smith was saying, there is a lot of wildlife – mule deer, whitetail deer, an occasional bear – that use that route to get down to the river and water. I think it would a lot more devastating impact on wildlife than keeping the route where it is.

The other thing I would bring up – if you did go through these ranches, there are four or five this direct route would devastate. We are probably talking about them selling out the adjacent land for subdivision. Maybe that sounds like good economics to have some subdivision, but from the standpoint of habitat fragmentation and wildlife devastation and devastation to the local rural community lifestyle, not only that but a local study done in

2000 showed that subdivisions for every dollar of taxes they generate demanded \$2.16 in services. Open space and the agriculture for every dollar received from them, the county only spent \$.29. So it would also be a big blow to the tax base to take out these ranches and put them into subdivisions.

Finally I would also recommend that you do a speed study to see if the trucks are really going 60 mph. If they are, then my old pickup needs to be traded in because it doesn't even get close to them.

My final point is that I think if you decide to keep that alternative route as part of your environmental document you might be making a serious mistake. Look at the criteria for an EIS, it would seem to me that you were pulling a trickery when you go over there because of the seven factors that are to be considered when deciding whether or not to do an EIS – about five of them are in the negative if you go over and use that as the proposed route.

Q: (Claudette Corrado) I object to the proposed highway. I'm concerned about school bus route. As I'm aware I don't think there are any in that area on old Hwy 69, but if you go on the orange line, there are more residents that have children in that area than on the yellow line. So they would have to be coming down to the highway to get on the school bus. Being a retired school bus driver I know the traffic does not stop when you put those red lights on because they just can't if they are doing 70 mph.

A: (Darryl James) Good point. Thank you.

Q: (Buster Bulloch) I'm in favor of a safe highway 69. There are some things we can't do anything about and that is a highway going down the Boulder Valley. It is a route, taxes are paid on it, and people are going to drive down it, and there is not a thing we can do about that. So I'm interested in a safe route and whatever is the safest route I think is what is in all our best interests.

Secondly, I love to drive down that Boulder Valley to my house through all those trees, and if they keep the alignment in the same place it is today, all those views are going away. If we take the alternative route there are some adverse effects, but there are some adverse affects on the other side, which we don't get to have that pretty view no more. So that is what I'm interested in.

Q: (David LeMieux) I have a couple of comments but first I have a couple of questions to clarify some things. First for Mr. Ebert. Would you say the construction challenges are the sub-grade, this rock wall, and wetlands?

A: (Jeff Ebert) The wetlands.

Q: (David LeMieux) Is that really ... now I'm just talking about the section of road just for the alternate route?

A: (Jeff Ebert) Wetlands and the Boulder River there.

Q: (David LeMieux) How significant are those construction challenges in your mind?

A: (Jeff Ebert) Without knowing the design, we just don't know yet. We've done a preliminary geological report through here, and I think it stated that there may be the possibility of some blasting that would have to occur but, again, that is still preliminary. Dealing through wetlands, we do it throughout the state. Contractors get creative and that is what they get paid the big bucks for. So I really can't comment because we just don't know those impacts yet.

Q: (David LeMieux) What is the plan for the existing Red and White Bridges?

A: (Jeff Ebert) The White Bridge is at the Elkhorn turnoff?

Q: (David LeMieux) If the alternate route is used what will those two bridges be used for? How will they be maintained or will it be removed? I don't mean to pin you down here; I'm just trying to get some information.

A: (Jeff Ebert) I think the Department would look fairly silly, if I can use that term, because we put some federal funds into re-doing the Red Bridge for us to come in and remove it. There has been some discussion on it and I haven't heard it here yet and maybe I shouldn't bring it up, but pedestrians, bike paths, and those types of things, we could get creative and possibly incorporate that into the design of those two and allow pedestrians and bikes to use that but we don't have a plan right now. We quite honestly don't have a plan for those.

Q: (David LeMieux) Just for my information could you locate the accident clusters you are talking about on the existing route between mile marker 31.5 and mile marker 36? That would be on the existing route all the way to the turnoff there.

A: (Jeff Ebert) I don't have that report in front of me but I think we do have a copy of it and I could kind of show it to you.

Q: (David LeMieux) Is that something MDT is concerned about in terms of correcting with upgrading that highway?

A: (Jeff Ebert) One of them is the straightaway, mile marker 26.4, which would be right about here (referring to graphic). That is on a straightaway and I'm guessing it is passing opportunities. That is one cluster. There was another one down on 32.6 probably right about here (referring to graphic), and one on 33.5 where it narrows right in this area in here (referring to graphic).

Q: (David LeMieux) So essentially those are in relatively straight corridors as it is.

A: (Jeff Ebert) That is the kind of ironic thing that we've found in this. That is probably why we couldn't come in and just put up curve signs and things like that to delineate it because there are no curves there.

Q: (David LeMieux) On the alternate route, we've got just a tape here and I know that you haven't done any surveys, but you talked about some icing and some shading areas, but you don't talk about on the other side what kind of grade you are going to have. You are probably looking at upwards of a 6% grade in several places. Another thing you are looking at in terms of highway safety is that you have two bridges and they are notorious for icing. Ok, so you've got a flat road on one side with no river and on the other side you've got grade and two bridges. I don't mean to put you on the spot here.

A: (Jeff Ebert) No. I'm not arguing with either. We want to hear these things, that is why we are here.

Q: (David LeMieux) Your turn Mr. James. I'm wondering if you could just define for us all what wetlands are? You call this a substantial wetlands area, can you define that and when you define that can you also define for us what an irrigation ditch is and how it influences and affects what you call wetlands?

A: (Darryl James) We've actually got an MDT biologist here and if my answer is insufficient, I might call on him. I'll try and educate you as much as I can. There are basically three different criteria for wetland delineation. It is based on hydrology, hydration, soil type, wildlife use and that kind of stuff. That basically identifies whether it is a wetland. MDT has a classification system of four different levels of quality in the functional class of wetland types. Again in this river valley and that river corridor, you are going to have higher quality wetlands just based on the use and the hydrology.

Now as far as irrigation ditches: there are new court rulings within the last year and a half or two years that have substantially changed what is considered a wetland under the jurisdiction of the Corp of Engineers. It is basically any surface water that's navigable are under their jurisdiction. So we've found that irrigation ditches can contribute and can in fact be wetlands under the jurisdiction of the Corp of Engineers as opposed to just a drainage or a borrow ditch along the side of the highway. So the definition of wetlands

under the jurisdiction of the Corp of Engineers has expanded greatly just in the last year and a half or so.

Q: (David LeMieux) So essentially you are not supposed to go into a wetland with an excavator? Is that correct?

A: (Darryl James) Absolutely.

Q: (David LeMieux) So then the ranchers that have owned and maintained these irrigation ditches which effectively run both sides of the highway through that whole corridor, they can no longer go in and clean out the irrigation ditches?

A: (Darryl James) I'm not even going to answer that question. What I can tell you is what MDT can't do is go in there with an excavator because, again, they are subject to the regulations of the Corp of Engineers. Actually Deb Wambaugh from MDT is the District Biologist and she would like to address that question.

A: (Deb Wambaugh) Just briefly without going into too much detail regarding irrigation ditches. Using an excavator in an irrigation ditch is not necessarily covered under the jurisdiction of the Corp of Engineers. It is actually fill and dredged material, the placement thereof, so what MDT is regulated for is the placement of fill into a wetland, which may be an irrigation ditch in this situation. There is also the grandfather clauses and there are all sorts of different regulations that apply to the maintenance of existing facilities with regard to potential impact to wetlands that may not necessarily apply to MDT, may apply to ranchers or vice-versa. So it is kind of two different things.

Q: (David LeMieux) So it kind of sounds like you all could save a lot of money if the farmers would just go in there and clean out the irrigation ditches before you get started fixing the highway. Another comment I have – first if we do look at that section here, at the Elkhorn turnoff on the map there with the arrow, then if you go to the alternate route and if you cross the valley floor, that distance is approximately .75 miles. Then if you come back to the Red Bridge, Bud Smith pointed this out a bit earlier, to the Red Bridge is 1.9 miles. If you look at the total area of these two sections combined and you subtract the .6 miles in the existing route where the highway approaches the rock face, there are actually two places where you have solid footing and good ground. If you look at the total area that would be obstructed by those two sections of roadway alone and you compare that to widening the existing route according to your own specs here, it is the same amount of area. So what I'm saying is the alternate route actually affects as much ground of lower valley floor ground as just widening the existing route. So I would appreciate it if when you do your study, to take a careful look at that.



Another thing I really want to point out here is that when we look at this alternate route, we talked about ranchers getting pretty concerned about making it and so forth. But if you look back twenty years Brown's Gulch was uninhabited and twenty years ago or maybe twenty-five years ago, there wasn't really anything up on the bench either. If you go back forty years, we weren't there. My point is that essentially what you are going to see over the coming years, fifty years or one hundred years from now, long-term planning, you are going to see more and more homes up on this upper bench. Part of the reason is you can't put home sites in the floodplain. How this affects the highway is directly related to safety. You have more and more people that are turning on and off of the highway in addition to ranchers using that route. You have variable speeds and so forth, and you really run into a lot more safety issues with this alternate route than using this existing route.

- Q: (Judy Johnson) I just wanted to make one real short comment. My husband and I live about 10 miles south of Boulder, and we use that road a lot. We travel that road a lot. I don't know if everybody remembers but it's been one or two years ago that the road was closed to truckers. They were doing some kind of construction down at Twin Bridges and it was just unbelievable how safe that road was. My husband and I were commenting about how nice it would be if there was no truck traffic on there. In the winter it is just treacherous with the trucks. So I do believe if that truck traffic was controlled, that would be the solution to this whole problem and I just really hope you will consider that. Thank you very much.
- Q: (Mike DuBois) I'm a Boulder resident. Back in the 90's you widened the road from Whitehall up to approximately the half way point and it made it a fairly nice road. Actually that road needs to be widened all the way from that point where that stopped all the way into Boulder. Why don't you waste your money doing that rather than worrying about this alternate route? I've seen a lot of accidents. You can see on down by the barn about 15 miles down there, a truck driver just drove off the road down there. The road has no edges to it whatsoever the whole length from there to Boulder.
- A: (Darryl James) I might just see if Jeff wanted to elaborate on some of the projects that might have occurred in the area over the past several years. Again, it basically comes down to funding. A lot of these roadways haven't been touched in 40-50 years. They aren't up to current standards. MDT is doing everything it can just to patch up and make basic improvements to these corridors. So you are seeing a project that was designed to be funded and built but they can't do an entire corridor all at once. That is what this project is about, it is trying to bring this up to the same standard as the lower portion.
- Q: (Sabrina Steketee) I grew up here in Boulder. That valley road, and you probably wish you wouldn't have used this word, but you said you were planning on "obliterating" it. That is right in the middle of almost 30 miles of what we call the back road. Not only, as

people have talked about is it important to us locally for our kids to ride their horses or their bikes or to just walk along, but as we talk about economic development in Boulder, that kind of a stretch of road is really becoming a rarity. As we seek to develop tourism in our area, access to a road like that can really draw people to our area for long bike trips, for family hikes, for day trips into the mountains around the area. I think to chop it up like that or to obliterate the middle of it is really short sighted for us in terms of economic development.

Q: (Tom Dawson) I own a substantial part of that cross over property on the south end of the proposed road. That would just ruin a beautiful meadow out through there, and it is semi wetland now. I have a question about ... on all your literature, your press releases and stuff; you said that the Elkhorn turnoff was 30.8, that is incorrect. It is almost 31.8 and it is a little misleading. I would like to ask you from Elkhorn down, what are your plans for fencing cattle, underpasses, taking the hill down there at the Elkhorn turnoff so that you have some safety and line of sight? What are you planning on doing for law enforcement for pullouts and things like that?

A: (Darryl James) Again let me stress that we are so far from having done any real design work, I can't even tell you anything about pullouts or fencing or anything like that. MDT, when they reconstruct or when they purchase new right-of-way, will install fence along the primary corridor like this and work with the landowner to find out what kind of fencing they want and that kind of thing. As far as enforcement, the wider shoulders are to provide enough area for enforcement for the officers to pull a vehicle over. But if there is a location that would warrant either a school bus turnout or a larger enforcement area, we can look at something like that. But again, those design details are several months away.

Q: (Tom Dawson) Just for the record, I adamantly oppose the alternate road on the lower valley road.

Q: (Charlie Sperry) I live out on Hwy 68 about nine miles out. First of all I would like to comment that I'm really glad that I don't have you guys job because you've got some tough decisions to make. I really don't have an opinion on the two choices as far as from Elkhorn on down, but I do sympathize with the landowners over there, and I think you've heard loud and clear their concerns. Mainly I want to ask a question. There has been a lot of talk about or suggestions about trying to reduce commercial truck traffic on the highway. Ms. Johnson correctly observed that when the trucks were not using the highway, it was a lot safer to drive. I can tell you I drive it twice a day five days a week all year around driving to Helena. It is scary with the truck traffic on there. So my questions is, I've never personally seen a highway where commercial truck traffic was not allowed, are there any examples of that? Is that a viable option, to eliminate commercial truck traffic on a highway like this? If it is not a viable option, are there

other alternatives to try to either minimize truck traffic or to reduce truck traffic speed? You've talked about a speed zone, etc. But I do think they've hit upon something that is worth looking into.

A: (Darryl James) I'll ask Jeff to elaborate on that but short of a legislative action, we can't take truck traffic completely off of a state primary route.

A: (Jeff Ebert) I don't mean to put Mr. Molter on the spot here, but I just want to point out that he does pay a lot of taxes for fueling – fuel taxes. Because of that we cannot ban trucks on this road. There is just no way we can. I don't think even the Legislature can do that because of the federal law that they do pay taxes and fuel excise taxes. There is no way ... as a part of this project the weigh station was mentioned, the temporary weigh station that is out there, ex-commissioner Samson did provide some impetus into getting that put in. We are going to re-do that facility with this project, and try to make that a little more user friendly. Right now the roadway is not really flat and it is tough for our folks to come in. We take care of weighing the trucks that come up and down the roads, but as far as law enforcement that is under the Montana Highway Patrol, which is a separate state agency. I know the recent Legislature did provide them the funding to hire 39 additional patrolmen statewide. I suspect that, based on the needs I'm hearing here tonight, that would be something that we could help bring about and at least talk to the Highway Patrol about trying to put more enforcement. On of the things we hear from the Highway Patrolmen that run this area is that there are no places to pull off a truck should they be speeding or even a local rancher. I know you guys don't speed either.

One thing we did point out here was that one of the things we are looking at, and these are kind of our minimum design standards that we have, right now you have pretty steep slopes coming off the edge of the asphalt, we would be putting in 6:1 slopes. This is where we get into the wetlands and we actually start filling in that material. That does give you the opportunity to pull over a truck or anybody that is speeding out there. It would help the law enforcement. I know that is one of the things they would point the finger back at us and say, "if you give us a place to pull these trucks over, we will try and do a better job of enforcement."

Q: (Ed McCauley) I live on the alternative route. I would just like to echo everyone else's comments so far. I'm opposed to the alternative route. I've got a number of questions to ask and part of it relates to Mr. Sperry. Isn't there a state law that says that if there is a safety issue on a highway of less than 50 miles that the Highway Commission can look at reducing speed limits and restrictions on trucks?"

A: (Jeff Ebert) I'm not aware of that so I don't know for sure. But it may be something we can look into on this highway, Ed?

- A: (Ed \_\_\_\_\_) This highway would qualify for that if it were just less than 50 miles. It probably could. I think it is only 37-39 miles or something like that.
- A: (Ed McCauley) What everybody here is talking about speed, you don't have very many truck accidents in the City of Boulder I assume? It is marked 25 and 35 mph. Personally speaking, I was a victim of a truck wreck here a couple of years ago where the trucker ... and they couldn't prove he was speaking but I know he was. They ticketed him \$70 for rear-ending me, and passing on a double solid line. It was a Canadian truck and all he cared about was getting to Utah. The State of Montana ticketed him \$70. I don't really think they did a very good job.
- Some of my other questions ... you are talking about a total rebuild from the Elkhorn turnoff up to mile marker 30 something? Yes that stretch (referring to graphic). So a total rebuild is that you are taking it right back down to the gravel or are you just filling in the ditches?
- A: (Jeff Ebert) No we would look at putting this type of prism in there, digging it down and building it back up.
- Q: (Ed McCauley) I don't know if you took time to drive down the highway today when it was raining but the south bound lane all the way down through that stretch through your whole thing, this portion up here is basically an old railroad bed and it is pretty solid. I guess I disagree with you taking it down and starting over.
- A: (Jeff Ebert) Let me preface it by saying we have not gotten that far along in the design. I'm just saying that under a typical project that is what we'd do. That may not be what we have to do here. We just don't know enough to really say.
- Q: (Ed McCauley) One of the other comments that was made by Mr. Bulloch was that all the trees are going to be gone down through that stretch if you stay on the existing route, so you really don't know if that is going to be the case yet or not?
- A: (Jeff Ebert) I can't say, no. We will try and minimize the impacts to the trees. I mean those trees are nice for protecting from the wind. I know that wind can be a big thing in blowing trucks off the road and all that kind of stuff. We would try and minimize the impacts to the trees.
- Q: (Ed McCauley) So you would try and stay within the 100-foot right-of-way as much as you could? You are talking about 6:1 slopes over here, and you told me before that was your general guidelines but they could change that a little bit if they had to.

- Q: (Jeff Ebert) That is correct. We could try and minimize this but then that calls for what is called a “design exception” and we have to get federal approval for that. But if there are areas where we need to mitigate for wetlands, we can put in guardrail which is actually an obstacle to hit too but versus going into a wetland. We will have to weigh that in the design specifics as we get further along.
- Q: (Ed McCauley) While we are on that, the lower portion of the road where you are hooking this up I believe the roadway is 25-foot pavement?
- A: (Jeff Ebert) That is correct.
- Q: (Ed McCauley) So you are going from a 34-foot up here to a 24-foot down there?
- A: (Jeff Ebert) When we are done the whole route would be 34 feet wide.
- Q: (Ed McCauley) On the portion that you are redoing?
- A: (Jeff Ebert) Both portions.
- Q: (Ed McCauley) So you are going all the way to Cardwell?
- A: (Jeff Ebert) No. We are just going down here to 22 with this project.
- Q: (Ed McCauley) That is what I’m saying, where you are starting down there, from there to Cardwell right now it is presently only 24 feet.
- A: (Jeff Ebert) No that is a little wider.
- Q: (Ed McCauley) I don’t believe so.
- A: (Jeff Ebert) Well it is not 30 feet. On this end of it (referring to graphic)? But it has flatter slopes.
- Q: (Ed McCauley) I agree that it has flatter slopes, but I’m talking about the actual pavement part. I guess I would just as soon you stay with the same amount of pavement and minimize your impacts up here as far as how wide of road.
- A: (Jeff Ebert) Well, this width is kind of our minimum standard.
- Q: (Ed McCauley) I see. So when you redid the lower section of road ...?
- A: (Jeff Ebert) A different set of standards.

Q: (Ed McCauley) Why? It is the same road.

A: (Jeff Ebert) That other one was done about 10 years ago and our standards have changed based on federal requirements; AASHTO and those sorts of things.

Q: (Ed McCauley) I guess that is all the questions I have for right now. I reiterate my comment that I'm opposed to the alternative route. Just fill in the ditches, straighten a few curves. Use the excess money for the law enforcement.

That is the other thing I always get from the law enforcement – that if we pull over one truck then everybody else knows and they quit. Well why aren't you doing the job then? They take it like they only get one guy so why waste our time out there?

Q: (Ed Katzbeck) I live on Brown's Gulch. Before we leave tonight just out of curiosity I want you to take a vote tonight, just raise your hands: how many people oppose the road and how many people .... (inaudible)...? This way you can see the majority of the vote what we want.

A: (Darryl James) Can I guess first? I want a show of hands. Anybody who think this orange alignment is a preferred alignment at this point? Overwhelming! Ok. What I would like to do, we are kind of pushing up against what we had identified as the end of our open house period. Unless there are any other pressing questions or comments, I would like Jennifer and Sarah to kind of summarize what we've heard and make sure that we've got everything generally covered. We will review the tape later and make sure that we've got all these comments clearly in hand before we move forward in this process. Then I would like to invite you if you've got specific questions, to come up and review the aerials with our staff or with MDT staff. We will hang around for another half hour or so to answer any individual questions you have. Feel free if you didn't have a chance or you didn't feel like standing up and making a comment tonight with the microphone, to fill out either the little half sheet that we've provided and John's also has comment sheets up in the front table if you didn't get one on your way in. Feel free to send those in to Jeff Ebert in Butte or send them to my email address or however you want to do that. Thanks for all your comments. You can leave your comments with us tonight also.

Q: (Tom Butler) I'm from Jefferson City. I've lived in Jefferson County all my life and I'm also a Sergeant in the Highway Patrol for the last 13 years. The enforcement challenges you are speaking about tonight on Hwy 69 are very challenging. It is almost a catch 22, everybody wants the trucks worked in this particular section and the only way that is going to happen is if the road is widened out. Everybody needs to understand that. This particular section, particular the lower southern end of the valley, is nearly impossible to

work truck traffic on because there is absolutely nowhere to pull over. Also a cause of the rollover accidents that happen down there on a regular basis, one minor distraction and if you cross the line, you have no ability to make any corrections, you are upside down in the ditch. So everybody needs to keep in mind that for us to come down and effectively work it, we are going to need a wider section of highway.

One other point I would make, this being a rural area with truck traffic, just to give you an example from two weeks ago, I was on my way home and I stopped a truck down by Bob Simms house on the lower southern end of the valley. She was logged with violation of speeding. I ended up following her all the way to Whitehall and it took an extra hour and a half just to get the money that is required for an out-of-state truck driver. So those types of things crop up in this area. There are no ATM machines in the Boulder valley. When somebody comes down here to work, that all plays into what we do.

Mr. Ebert mentioned the extra staffing the Highway Patrol obtained in the last Legislative session. Just so everybody keeps in mind those officers will not hit the road until the summer of 2007. So if there is any extra enforcements as expected down here, it is not coming any time soon. The officer that is stationed in Boulder has been deployed to Iraq or activated in the National Guard three times in the last 18 months. So everybody needs to keep in mind that he has not been in the area to do anything simply due to the National Guard commitments that he is in.

One other quick comment, the truck traffic is up, the economy is increasing, truck traffic are growing on an average of three to five percent increase in truck traffic per year. Everything that comes to Montana with some minor exceptions of rail traffic, arrives on a truck. It is part of the economy and it is something that we are going to have effectively deal with. But banning trucks from the State of Montana or this particular area would be a detriment to the economy and would be impossible to do with the fuel taxes they pay on this highway.

Com: (Jennifer, HKM) Some quick housekeeping. It is very important that we have your mailing address or your email address. For future public meetings we will be notifying you either with a post card or an email. So please give us that information as you leave or on the sign in sheet. Sarah and I have compiled throughout the meeting on this board what we've heard from you verbally, what you've written down, we also have the official record that John has been keeping track of on the tape, so hopefully we've gotten it all. We want to make sure we don't miss anything.

The things we've heard over and over:

- Keep the truck traffic on the interstate.

- Speed enforcement.
- Throughout this we've also heard about the curve into Boulder being unsafe.
- Don't increase the speed on the existing route.
- Keep the rural character.
- Consider the agriculture impacts.
- Some potential creative solutions: Maybe new technology.
- Consider the cost, which is something we have to consider. We will be putting together spreadsheets that compare costs, wetlands impacts, everything that is affected in every alternative that we consider. So you will be able to see all of that like Darryl said.
- Look at the natural beauty, the resource impacts.
- We heard, through written comments, over and over again that there are many of you that would like us to go with the no-build alternative. We saw that in your written comments.
- Look at the wildlife impacts.
- The recreational use of the valley road: the pedestrians, the bicycles, the runners.
- Consider the school bus stops, how we are going to deal with some of those issues.
- The safest route. Safety is something that is of the utmost concern to all of you so that will be disclosed in the public environmental assessment also.
- More of a detail item: to look at the state law regarding the trucks and the truck traffic on this route and what options are available there.

Thank you again for all your input. It's important that we hear all of this.



**CLOSING (Darryl James)**

To give you an idea what the next step is. We will compile all of these comments and they will be made part of the Environmental Assessment. The next step: we start with some cultural resource surveys, biological resource surveys. You are going to see some folks out in the corridor this summer delineating wetlands, maybe digging some test pits, and all that kind of fun stuff along the alignment. Feel free to stop and talk to them, not on the shoulder because there isn't one, so be careful. You will see some activity in the corridor, feel free to give me a call or give Jeff a call. There are additional contacts on your little information sheet, feel free to contact anybody on that list. Anytime you have questions or comments throughout this process, that is why we are here, we need to hear from you. Again, thank you all very much for coming out, I appreciate your participation and we will see you, hopefully, within a few months to give you an update. Thank you.